



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 12, 2010

James and Stephnie Obert
4202 Summit View Avenue
Yakima, WA 98908

Re: Water Right No. S2-27901

Dear Mr. and Mrs. Obert:

In response to your request, you are hereby granted an extension to complete construction for the reasons below:

- Due diligence has been demonstrated through the completion of conveyance structures and the electrical supply.
- Due to an increase in theft documented in this area, a pump and meter will not be installed until you move to the property later this year.

The new deadline to submit your *Construction Notice* is **March 1, 2011**.

As a condition of this extension, your permit has been amended with the following provisions to reflect updated requirements:

- An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
- WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.
- The intake shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://www.wdfw.wa.gov/reg/regions.htm>

- ***The system must be designed with a float or demand type valve that allows diversion of only the amount of water required for stockwater use. No overflow is allowed.***
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.
- The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source, system instantaneous capacity, beneficial use, annual quantity, place of use, and satisfaction of provisions.

You must install a float or demand type valve on your diversion.

Please note that due to stream flow and water quality concerns, the original provision allowing overflow, if returned to the point of diversion, has been replaced with a new requirement. Under the amended permit, only the amount of water needed for stockwater use may be diverted from the stream. The system must operate with no overflow.

To keep this permit in good standing you will need to complete the following actions by March 1, 2011:

- Install a pump.
- Install a meter at the point of diversion on the stream.
- Obtain Hydraulic Project Approval (HPA) from Washington State Department of Fish and Wildlife.
- Install a screen on the diversion meeting the criteria specified in the HPA.
- Submit a *Construction Notice* showing that construction is complete.
- Submit *Metering Form 1-Measuring Device Information*.
- Submit a copy of your HPA and photographs of your diversion including the meter.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

OR Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

OR Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia WA 98504-7608

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

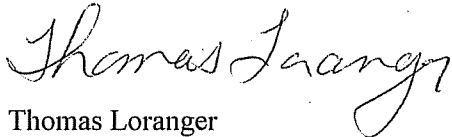
3. And send a copy of your appeal to:

Thomas Loranger
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www1.leg.wa.gov/CodeReviser> .*

If you have any questions, please contact Marie Peter at (360) 407-0279 or
mpet461@ecy.wa.gov.

Sincerely,



Thomas Loranger
Section Manager
Water Resources Program

Enclosures: *Your Right to Be Heard*
Construction Notice
Metering Form 1-Measuring Device Information

BY CERTIFIED MAIL: 7009 1410 0002 4420 2277

